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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,224	10/29/2003	Jamison M. Henry	P00840-US-00	5278
31835	7590	06/15/2005	EXAMINER	
RUSSELL E. FOWLER, II ICE MILLER ONE AMERICAN SQUARE, BOX 82001 INDIANAPOLIS, IN 46282-0002			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,224	<b>Applicant(s)</b> HENRY, JAMISON M.	
	<b>Examiner</b> Hargobind S. Sawhney	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/29/2003</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on October 29, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the format of the publication dates needs to <sup>be</sup> as --MM-DD-YYYY --. The applicant needs resubmit the <sub>A</sub> information disclosure statement complying with the above-indicated requirement.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steen et al. (WIPO Patent No.: WO 03/00656374 A2) in view of Gross et al. (US Patent Application Pub. No.: US 2004/0240226 A1).

Regarding Claim 11, Steen et al. (WIPO Patent No.: WO 03/00656374 A2), hereinafter referred as Steen, discloses a vehicular high mount stop lamp 12 (Figures 1-4, Para. 0019) comprising:

- an elongated printed circuit board 30(PCB) having a plurality of light emitting diodes (LEDs) 34 (Figures 1-4, Para. 0022);
- an elongated inner lens 32 (Figures 1-4, Para. 0013) including a plurality of prescriptions 44 (Figures 1-4, Para. 0026) each associated with each one of the LEDs 34 positioned on the PCB 30 (Figures 1-4, Para. 0025 and 26);
- an elongated lamp housing 18 connected to the inner lens 32 (Figures 1-4, Para. 0023);
- an outer lens 14 covering the inner lens 32 (Figures 3 and 4, Para. 0020);  
and
- the high mount stop lamp 12 positioned on an automobile (Figure 1).

Steen further teaches the inner lens 32 being heat stacked to the PCB 30 (Figures 1-4, Para. 0023). However, Steen does not specifically teach the heat staking includes a first plurality of heat stakes extending exclusively between the inner lens 32 and the PCB 30.

On the other hand, Gross et al. (US Patent Application Pub. No.: US 2004/0240226 A1), hereinafter referred as Gross, discloses a thin lamp assembly method comprising:

- a plurality of heat stakes 13 attaching a lens 26 to a lamp housing 28 (Figure 7, Para. 0030).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to perform the heat staking for a vehicular high mount stop lamp of Steen by providing the plurality of heat stakes as taught by Gross for benefit and advantage of structurally strong attachment requiring less space and reduction in size of the device.

Further Steen further teaches the inner lens 32 being heat staked to the housing 18 of the device (Figures 1-4, Para. 0023). However, Steen does not specifically teach the heat staking includes a second plurality of heat stakes extending between the lamp housing 18 and from the inner lens 32.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to perform the heat staking for a vehicular high mount stop lamp of Steen by providing the plurality of heat stakes as taught by Gross for benefit and advantage of structurally strong attachment requiring less space and reduction in size of the device.

Regarding claims 12-17, Steen in view of Gross discloses the vehicular high mount stop lamp 12 (Steen, Figures 1-4, Para. 0019) comprising:

- the first plurality of stakes 13 (Gross, Figure 7, Para. 0023) positioned on the inner lens 32 (Steen, Figures 1-4, Para. 0013) and extending through holes 19 (Gross, Figure 7) in the PCB 30 (Steen, Para. 0022);

- the second plurality of stakes 13 (Gross, Figure 4, Para. 0023) positioned on the housing 18 (Steen, Figures 1-4, Para. 0013) and extending through holes (Gross, Figure 7) in the inner lens 32 (Steen, Para. 0023);
- the lamp housing 18 including a channel 22 accommodating the inner lens 32 and PCB 30 (Steen, Figure 2 and 4, Para. 0021);
- the first and second plurality of heat stakes 13 (Gross, Figure 7) being capped 15 with the heat stake process (Gross, Figure 7, Para. 0028); and
- the inner lens 31 (Steen Figure 4) including a first plurality of stakes 13 (Gross, Figure 7, Para. 0029) extending from a plurality of tabs 27 (Gross, Figure 7, Para. 0029).

Regarding Claim 1-10, Steen in view of Gross teaches a vehicular high mount stop lamp comprising the apparatus elements as detailed above for rejections of claims 11-17.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the method limitations of claims 1-10 by directly applying teaching associated with the apparatus limitations as taught by Steen in view of Gross.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steen et al. (WIPO Patent No.: WO 03/00656374 A2) in view of Gross et al. (US Patent Application Pub. No.: US 2004/0240226 A1) as applied to Claim 11 above, and further in view of Collip et al. (US 2005/0052864 A1).

Regarding claims 18 and 19, each dependent on Claim 11, Steen in view of discloses a vehicular high mount stop lamp comprising a first plurality of heat stakes

attaching an inner lens to a circuit board, and a second plurality of heat stakes attaching the inner lens to the lamp housing.

However, neither combined nor individual teaching of Steen and Gross discloses the stakes being screws.

On the other hand, Collip et al. (US 2005/0052864 A1), hereinafter referred as Collip, discloses an LED carrier comprising a PCB 20, a carrier 12 and heat sink 28 fitted with heat staking (Figure 1, Para. 0012 and 0013). In addition, Collip allows a lens 36 and housing 34 attached with any convenient method including with screws 38 (Figure 1, Para. 0014). Thus, Collip teaches functional equivalency of providing attachments with either heat staking, or with screws.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the vehicular high mount stop lamp of Steen in view of Gross by using screws functioning as stakes as taught by Collip for benefit and advantage of structurally strong attachment having removability features for convenient assembling.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goh (US Patent application Pub. No.: US 2005/0006548 A1) and Bodem, Jr. (U.S. Patent No. 5,388,035)


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
6/10/2005

  
Stephen Husar  
Primary Examiner